

**UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF ALABAMA NORTHEASTERN DIVISION**

LEE ANN MATANANE,)
Plaintiff,)
v.) 5:17-cv-00270-MHH
STATE OF ALABAMA,)
MARTHA WILLIAMS,)
MATT GENTRY, et al.,)
Defendant,)

PETITION FOR DECLARATORY JUDGEMENT

COMES NOW your Petitioner, LEE ANN MATANANE, through undersigned Counsel, and pursuant to 28 U.S.C sections 2202-2202 alleges the following:

1. That on September 13, 2008; the Court entered an Order which, in pertinent part, is as follows:

"1. Subject to the exceptions identified below-and until Cullman County proposes alternative, constitutionally-sound procedures-following arrests. the Sheriff of Cullman County must release all bail-eligible defendants on unsecured appearance bonds using Cullman County's current bail schedule.
2. That your Petitioner was arrested and charged with the crimes of Attempted Murder and Assault in the Second Degree on March 3, 2018 and incarcerated in the Cullman County Jail.
3. Respondents are the same as in the ***SHULTZ*** matter.
4. On March 21, 2018; Petitioner filed an Affidavit of Substantial Hardship with the County District Court (Ex. A) asserting indigency.
5. That on March 30, 2018; the Cullman District Court granted Petitioner's application for court appointed counsel. (Ex. B.)

6. That petitioner's bail was set at \$75,000.00 cash only. (Exhibit C)
7. That on or about May 17, 2018: Petitioner was indicted for the aforementioned crimes with bail being set by Circuit Judge Martha Williams at \$70,000.00 cash. (Ex. D.).
8. That the Petitioner has remained incarcerated since her arrest.
9. That numerous motions to reduce the Petitioner's bail have been rejected.
10. Petitioner alleges that cash-only bail (as pertains to an indigent) is not bail at all.
11. That cash-only bail violates the Fifth Amendment Due Process Clause and the Equal Protection Clause of the Fourteenth; United States Constitution of America (U.S.C.A.).
12. Due to the inability of the Petitioner to obtain constitutionally permissible bail; she has filed a Petition for Writ of Habeas Corpus with the United States District Court in the case of ***Lee Ann Matanane v. Sheriff Matt Gentry 5:19-CV-00051-KOB-TMP***
13. In addition, Petitioner has filed a Motion to Transfer the Habeas case to this Honorable Court for disposition. (Ex. E.). (Which was denied on 01-28-2019).
(Attached)

* * * *

ISSUE

**IS YOUR PETITIONER, MATANANE, ENTITLED TO
RETROACTIVE RELEASE?**

14. In the Court's September 13th Order, the Sheriff was not required to release arrestee's who failed to appear for court; were intoxicated; needed medical attention or

on holds from other jurisdictions. (See provision 2. of the Court's Order Attached). Matanane does not fall within any of these categories.

15. Simply put, numerous arrestees who had been incarcerated for months prior to this Court's Order were left behind. Meaning, the Sheriff and other Respondents have not applied this Court's Preliminary Injunction Order to any indigent inmate who was incarcerated prior to its entry.

16. Nor has the Sheriff and his fellow Respondents implemented or applied the procedural safeguards enunciated in this Court's September 13, 2018 Order to those who were incarcerated prior to same.

17. That your Petitioner suffers under the same unconstitutional bail practices and measures as if no Order had been entered.

18. As such, Petitioner requests that this Honorable Court, pursuant to the Declaratory Judgment Act, determine whether this Court's September 13, 2018 is to be applied universally and retroactively to those persons, including your Petitioner, who remain in jail under the prior regime.

Wherefore, Premises Considered; Petitioner requests that the Court declare the relative rights and interests of the parties as pertains to the issue presented; and, after hearing, to declare that the Court's September 13th Order is to be applied retroactively to your Petitioner; and, for all other relief deemed mete and just in the Premises; and that the Respondent pay all costs and attorney fees.

/s/ Thomas E. Drake, II
Thomas E. Drake, II
Attorney for Defendant
419 2nd Ave SW Suite B
Cullman, Alabama 35055

256-739-9445

CERTIFICATE OF SERVICE

I hereby certify that on this the 29th day of January, 2019, a copy of the following was served on all counsel of record in this cause by one or more of the following in accordance with the Federal Rules of Civil Procedure.

/s/ Thomas E. Drake, II
Thomas E. Drake, II

Exhibit A

DC-18-279

State of Alabama Unified Judicial System Form C-28 Page 1 of 2 Rev. 2/95	AFFIDAVIT OF SUBSTANTIAL HARDSHIP AND ORDER	Case Number DC-18-279
IN THE <u>District</u> COURT OF <u>Cullman</u> <small>(Circuit, District, or Municipal)</small> STYLE OF CASE: <u>State of Alabama</u> v. <u>Lee Matanane</u> <small>Plaintiff(s)</small> Defendant(s) <u>Bobby Joe</u> , <u>Lee Matanane</u> , <u>Acme 142, Inc.</u>		
TYPE OF PROCEEDING: _____ CHARGE(s) (If applicable): <u>Abnegation, Misd., Acme 142, Inc.</u>		
<input type="checkbox"/> CIVIL CASE - I, because of substantial hardship, am unable to pay the docket fee and service fees in this case. I request that payment of these fees be waived initially and taxed as costs at the conclusion of the case. <input type="checkbox"/> CIVIL CASE - (such as paternity, support, termination of parental rights, dependency) - I am financially unable to hire an attorney and I request that this court appoint one for me. <input checked="" type="checkbox"/> CRIMINAL CASE - I am financially unable to hire an attorney and request that the court appoint one for me. <input type="checkbox"/> DELINQUENCY/NEED OF SUPERVISION - I am financially unable to hire an attorney and request that the court appoint one for my child/ren.		
AFFIDAVIT		
SECTION I.		
1. IDENTIFICATION Fullname <u>Lee Matanane</u> Date of birth <u>10-27-63</u> Spouse's full name (if married) <u>Separated</u> Complete home address <u>3012 Co Rd 703 Cullman AL 35055</u>		
Number of people living in household <u>1</u> Home telephone number <u>256-371-2908</u> Occupation/Job <u>Disability</u> Length of employment <u>7 yrs</u> Driver's license number _____ Social Security Number (last 4 numbers) _____ Employer <u>N/A</u> Employer's telephone number <u>N/A</u> Employer's address <u>N/A</u>		
2. SUBSISTENCE BENEFITS Do you or anyone residing in your household receive benefits from any of the following sources? (If so, please check those which apply.) <input checked="" type="checkbox"/> AFDC <input type="checkbox"/> Food Stamps <input type="checkbox"/> SSI <input type="checkbox"/> Medicaid <input type="checkbox"/> Other <u>Disability</u>		
3. INCOME STATEMENT Monthly Gross Income: Monthly Income _____ Spouse's Monthly Gross Income (unless a marital offense) Other Earnings: Commissions, Bonuses, Interest Income, etc. Contributions from Other People Living in Household Unemployment/Worker's Compensation, Social Security, Retirement, etc. Other Income (be specific) <u>70</u>		
TOTAL MONTHLY GROSS INCOME <u>\$ 0</u> 4. EXPENSE STATEMENT A. Living Expenses Rent/Mortgage _____ Total Utilities: Gas, Electricity, Water, etc. <u>\$ 8</u> Food <u>\$ 8</u> Clothing <u>\$ 8</u> Health Care/Medical <u>\$ 8</u> Insurance <u>\$ 8</u> Car Payment(s)/Transportation Expenses <u>\$ 8</u> Loan Payment(s) <u>\$ 8</u>		
*OPTIONAL		

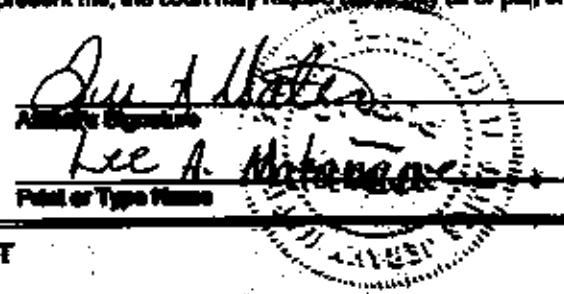
Form C-10 Page 2 of 2 Rev. 2/95		AFFIDAVIT OF SUBSTANTIAL HARDSHIP AND ORDER	
Monthly Expenses: (add all lines) Credit Card Payment(s) _____ Educational/Employment Expenses _____ Other Expenses (be specific) _____		\$ 0 \$ 0 \$ 0	
Sub-Total		A. \$ 0	
B.	Child Support Payment(s)/Alimony	\$ 0	B. \$ 0
Sub-Total		\$ 0	
C.	Exceptional Expenses	\$ 0	\$ 6
TOTAL MONTHLY EXPENSES (add subtotals from A & B monthly only) \$ 6			
Total Gross Monthly Income Less total monthly expenses: DISPOSABLE MONTHLY INCOME \$ 0			
4. LIQUID ASSETS: Cash on Hand/Bank (or otherwise available such as stocks, bonds, certificates of deposit) \$ 0 Equity in Real Estate (value of property less what you owe) \$ 0 Equity in Personal Property, etc. (such as the value of motor vehicles, stereo, VCR, furnishings, jewelry, tools, guns, less what you owe) \$ 0 Other (be specific) _____ Do you own anything else of value? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (land, house, boat, TV, stereo, jewelry) \$ 0 If so, describe _____ TOTAL LIQUID ASSETS \$ 0			
5. Affidavit/Request: I swear or affirm that the answers are true and reflect my current financial status. I understand that a false statement or answer to any question in the affidavit may subject me to the penalties of perjury. I authorize the court or its authorized representative to obtain records of information pertaining to my financial status from any source in order to verify information provided by me. I further understand and acknowledge that, if the court appoints an attorney to represent me, the court may require me to pay all or part of the fees and expenses of my court-appointed counsel.			
Sworn to and subscribed before me this <u>12th</u> day of <u>March</u> , <u>2018</u> <u>D. J. Jameson, Notary</u> <small>Judge/Clerk/Notary</small>			
 <small>Notary Signature</small> <small>Lee A. McFarlane</small> <small>Date or Type Name</small>			
ORDER OF COURT			
SECTION II. IT IS THEREFORE, ORDERED, AND ADJUDGED BY THE COURT AS FOLLOWS: <ul style="list-style-type: none"> <input type="checkbox"/> Plaintiff is not indigent and request is DENIED. <input type="checkbox"/> Plaintiff is partially indigent and able to contribute monetarily toward his/her defense; therefore defendant is ordered to pay \$ _____ toward the anticipated cost of appointed counsel. Said amount is to be paid to the clerk of court or as otherwise ordered and disbursed as follows: _____ <input type="checkbox"/> Plaintiff is indigent and request is GRANTED. <input type="checkbox"/> The prepayment of docket fees is waived. 			
IT IS FURTHER ORDERED AND ADJUDGED that _____ is hereby appointed as counsel to represent plaintiff.			
IT IS FURTHER ORDERED AND ADJUDGED that the court reserves the right and may order reimbursement of attorney's fees and expenses, approved by the court and paid to the appointed counsel, and costs of court.			
Done this _____ day of _____			
<small>Judge</small>			

exhibit B

IN THE DISTRICT COURT OF CULLMAN COU



ELECTRONICALLY FILED
3/30/2018 9:12 AM
25-DC-2018-000279.00
CIRCUIT COURT OF
CULLMAN COUNTY, ALABAMA
LISA MCSWAIN, CLERK

STATE OF ALABAMA)

V.) Case No.: DC-2018-000279.00

MATANANE LEE ANN)
Defendant.)

ORDER

Upon proper filing of affidavit of hardship, the court finds the defendant partially indigent and able to contribute monetarily toward their defense. Based on the Defendant's charges the Court has determined that an attorney is due to be appointed to represent the Defendant.

Attorney Jason Knight is hereby appointed to represent the Defendant.

It is further Ordered and Adjudged that the court reserves the right and may order the defendant to reimburse the State of Alabama for all attorney fees, fines or any other costs as approved and ordered by the Court.

DONE this 30th day of March, 2018.

/s/ WELLS R. TURNER III
DISTRICT JUDGE

Ex. C

THE DISTRICT COURT OF CULLMAN COUNTY

Agency # 180301240
CMS # 18-0323 01

WARRANT NO. _____

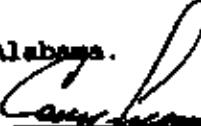
COMPLAINT

Before me the undersigned Judge/Clerk/Magistrate of The District Court of Cullman County, Alabama, personally appeared COREY FREEMAN who being duly sworn deposes and says that he has probable cause for believing, and does believe that,

LEE ANN MATANAME, whose name is otherwise unknown to the affiant, did on or about March 3, 2018, with the intent to commit the crime of Murder (Title 13A-6-2(a)(1) of the Code of Alabama) attempt to intentionally cause the death of another person, to-wit: BENITO MATANAME, by SHOOTING HIM IN CHEST AREA, in violation of Title 13A-4-2 of the CODE OF ALABAMA.

LEE ANN MATANAME, whose name is otherwise unknown to the affiant, did on or about March 3, 2018, knowingly and unlawfully enter or remain unlawfully in a dwelling of BENITO MATANAME, with intent to commit a crime therein to-wit: ATTEMPT TO COMMIT MURDER, and while effecting entry or while in the dwelling or in immediate flight therefrom, said defendant, LEE ANN MATANAME, or another participant, was armed with an explosive or deadly weapon, to-wit: A HIGH STANDARD SENTINEL .22 CALIBER REVOLVER, in violation of Title 13A-7-5(a)(1) of the CODE OF ALABAMA.

against the peace and dignity of the State of Alabama.



Complainant's Signature

Sworn and Subscribed before me this the 16 day of March, 20 18.



Judge/Clerk/Magistrate of the Court

Charges:

1. ATTEMPT TO COMMIT MURDER
2. BURGLARY FIRST DEGREE

Witness for the State

COREY FREEMAN, CULLMAN CO SHERIFF'S OFFICE, CULLMAN, AL

FILED IN OFFICE

MAR 16 2018

LISA BREWSTER
CIRCUIT CLERK
CULLMAN COUNTY

DC-18-279

WARRANT OF ARREST
CULLMAN COUNTY

STATE OF ALABAMA

DISTRICT COURT

Agency # 180301240

WARRANT NO. _____

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

You are hereby commanded to arrest LEE ANN MATANANE and bring her before the DISTRICT COURT OF CULLMAN COUNTY, to answer to the State of Alabama on a charge of:

1. **ATTEMPT TO COMMIT MURDER**
2. **BURGLARY FIRST DEGREE**

and you have then and there this writ with your return thereon.

You will receive unto your custody and detain her until the _____ day of _____, 20____.

Bond set at \$_____

Date _____

Judge/Clerk/Magistrate of District Court

DEFENDANT INFORMATION

LEE ANN MATANANE

Race: CAU Sex: F

Aliases: None Reported

Height: 5'03"

8012 COUNTY ROAD 703, CULLMAN,
AL 35055

Weight: 125 Eyes: BLU

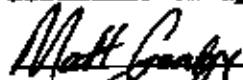
Hair: BLW

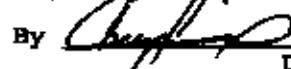
D.O.B: 6/27/1963



EXECUTION

Executed the within warrant by arresting the defendant and
 Placing defendant in the Cullman County Jail
 Releasing defendant on appearance bond

 Sheriff

By  Deputy Sheriff

Date: 3-10-18

State of Alabama Unified Judicial System Form CR-6 Rev. 8/98	COMPLAINT (Felonies, Misdemeanors, or Violations – District Court or Municipal Court)	Warrant Number DC-18-5719 Case Number 180301240															
IN THE _____ District _____ COURT OF _____ Cullman, ALABAMA (Circuit, District, or Municipal)		(Name of Municipality or County)															
<input checked="" type="checkbox"/> STATE OF ALABAMA <input type="checkbox"/> MUNICIPALITY OF v. <u>Lee Ann Matananc</u> Defendant																	
<p>Before me, the undersigned authority, personally appeared this day the undersigned complainant who, upon first being duly sworn, states on oath that he/she has probable cause for believing, and does believe, that <u>Lee Ann Matananc</u>, defendant, whose name is otherwise unknown to the complainant, did, prior to the commencement of this action, on or about <u>03-10-2018</u> (date of occurrence) commit the offense of <u>Attempted Murder</u> within the</p> <p><input checked="" type="checkbox"/> County of <u>Cullman, Alabama</u> _____ or in the police jurisdiction thereof, in that he/she _____ <input type="checkbox"/> City/Town of _____</p> <p>did: (State specific facts here. Continue on a separate sheet of paper if needed.) <u>Break into her soon to be Ex-Husbands New Home that she has never lived in and shoot him in the upper left chest area. Lee Ann Then assaulted his new girlfriend with the pistol hitting her in the head numerous times busting her head open causing her to need medical treatment by Ambulance. There was surveillance video of Lee Ann Matananc Breaking into the home showing she has no key or any other means of entry other than force.</u></p> <p>In violation of</p> <p><input checked="" type="checkbox"/> Section <u>IJA4-2 (a)</u>, Ala. Code 1975. <input type="checkbox"/> Municipal Ordinance Number _____ which embraces Section _____ Ala. Code 1975, previously adopted, effective and in force at the time the offense was committed. <input type="checkbox"/> Other _____</p> <p>Sworn to and Subscribed before me this <u>11th</u> day of <u>March</u>, <u>2018</u> <u>LJN</u></p> <p>_____ Justice/Magistrate/Warden Clerk</p> <p style="text-align: right;"><i>FaceTime @ 10:05 p.m.</i> Cory Freeman Complaint 1900 Beach Ave SE Cullman, AL 35055 Address 2565312700 Telephone Number</p>																	
<table border="1"> <thead> <tr> <th>Name</th> <th>Address</th> <th>Telephone Number</th> </tr> </thead> <tbody> <tr> <td>Cory Freeman</td> <td>CCSO</td> <td></td> </tr> <tr> <td>Ryan Hoggard</td> <td>CCSO</td> <td></td> </tr> <tr> <td>Dustin Bentley</td> <td>CCSO</td> <td></td> </tr> <tr> <td>Josh Wallace</td> <td>CCSO</td> <td></td> </tr> </tbody> </table>			Name	Address	Telephone Number	Cory Freeman	CCSO		Ryan Hoggard	CCSO		Dustin Bentley	CCSO		Josh Wallace	CCSO	
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Dustin Bentley	CCSO																
Josh Wallace	CCSO																
Additional Witnesses on Reverse Side.																	

FILED IN OFFICE

MAR 11 2018

LISA BREHMANN
CIRCUIT CLERK
CULLMAN COUNTY

State of Alabama Unified Judicial System Form CR-6 Rev. 8/98	COMPLAINT (Felonies, Misdemeanors, or Violations - District Court or Municipal Court)	Warrant Number <u>DC-18-7279</u> Case Number <u>180301240</u>															
IN THE _____ District (Circuit, District, or Municipal)		COURT OF _____ Cullman, ALABAMA (Name of Municipality or County)															
<input checked="" type="checkbox"/> STATE OF ALABAMA <input checked="" type="checkbox"/> MUNICIPALITY OF v. _____ Lee Ann Matanane Defendant																	
<p>Before me, the undersigned authority, personally appeared this day the undersigned complainant who, upon first being duly sworn, states on oath that he/she has probable cause for believing, and does believe, that <u>Lee Ann Matanane</u>, defendant, whose name is otherwise unknown to the complainant, did, prior to the commencement of this action, on or about <u>03-10-2018</u> (date of occurrence) commit the offense of <u>Husband 1st Degree</u> within the</p> <p><input checked="" type="checkbox"/> County of <u>Cullman, Alabama</u> <input type="checkbox"/> City/Town of _____ or in the police jurisdiction thereof, in that he/she did: (State specific facts here. Continue on a separate sheet of paper if needed.) <u>Break into her soon to be Ex-Husbands New Home that she has never lived in and shoots him in the upper left chest area. Lee Ann Then assaulted his new girlfriend with the pistol hitting her in the head numerous times; busting her head open causing her to need medical treatment by Ambulance. There was surveillance video of Lee Ann Matanane Breaking into the home showing she has no key or any other means of entry other than force.</u></p> <p>in violation of</p> <p><input checked="" type="checkbox"/> Section <u>13A-7-3</u>, Ala. Code 1975. <input type="checkbox"/> Municipal Ordinance Number _____ which embraces Section _____ Ala. Code 1975, previously adopted, effective and in force at the time the offense was committed. <input type="checkbox"/> Other _____</p> <p>Sworn to and Subscribed before me this <u>11/18</u> day of <u>March</u> <u>2019</u> <u>S. M. Freeman</u> Justice/Magistrate/Warrant Clerk</p> <p style="text-align: right;"><i>Exe Time 10:05pm</i> Corey Freeman Complaint 1909 Beech Ave St Cullman, AL 35055 Address 2363312700 Telephone Number</p>																	
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FILED IN OFFICE																	
MAR 11 2019																	

LISA ALTMANN
CIRCUIT CLERK
CULLMAN COUNTY

DC-18-279
DC-18-279

State of Alabama United Judicial System Form C-41 11/91		ADVICE OF RIGHTS ON INITIAL APPEARANCE BEFORE JUDGE OR MAGISTRATE <i>(Felony)</i>	Case Number PC
IN THE <u>DISTRICT</u> (Circuit, District or Municipal)		COURT OF <u>CULLMAN</u> (Name of County or Municipality)	<u>ALABAMA</u>
<input checked="" type="checkbox"/> STATE OF ALABAMA <input type="checkbox"/> MUNICIPALITY OF _____		v. <u>LEE ANN MATANANE</u> Defendant	
<p>This is a first appearance hearing. You are charged with committing the offense(s) of <u>ATTEMPTED MURDER</u>, <u>BURGLARY 1ST & ASSAULT 2ND</u> in this court in violation of <u>CODES 13A-4-2 (a)(1) 13A-7-3 & 13A-6-21</u>. The primary purpose of this hearing is to ensure that you know and understand the charge or charges against you. At this hearing, there will be no determination made about your guilt or innocence of the crime charged, but only a determination that you know and understand the charge or charges against you. If you are before the court on a complaint following a warrantless arrest, the judge or magistrate will determine whether there is probable cause for the charge against you.</p> <p>In addition, the purpose of this hearing is to determine whether bail should be set in your case; or, if it has been already set, if it should remain the same, be raised, be lowered, or whether you should be released upon your personal recognizance (that is, your promise to appear for future court proceedings) or retained in the custody of some responsible person. In order to make this determination, it will be necessary for the judge or magistrate to ask you some questions concerning your ties with the community.</p> <p>You are entitled to be represented by an attorney. You have a right to have your own attorney and will be given time and opportunity to retain an attorney. If you are unable to afford an attorney, one will be appointed for you by the court if you qualify for such representation. It will be necessary for you to complete an indigency questionnaire under oath in order for the court to make this determination.</p> <p>You have a right to talk with your attorney, family, or friends and, if necessary, reasonable means will be provided order to enable you to do so. You have the right to remain silent. Anything that you say may be used against you.</p> <p>Because you are charged with a felony, you are entitled to demand a preliminary hearing before a judge or magistrate to determine whether there is sufficient evidence to establish that you probably committed the offense or offenses with which you are charged. You must make this demand within thirty (30) days of the date of arrest. If a hearing is demanded and one is conducted, and if, at the conclusion of the preliminary hearing, the judge finds that sufficient evidence has been shown to establish that you probably committed the offense or offenses with which you are charged, the judge will then bind you over for further action by a grand jury. If, on the other hand, the judge finds that the evidence is insufficient to establish that you probably committed the crime or crimes charged, then the judge will dismiss the charge and discharge you from further custody or pre-trial obligations subject to the right of the prosecution to re-arrest you at a later time.</p> <p>If you are released from custody (whether personal recognizance or otherwise), you must:</p> <ol style="list-style-type: none"> 1) Appear to answer and submit to all orders and process of the court having jurisdiction in the case. 2) Refrain from committing any criminal offense. 3) Not depart from the State of Alabama without the leave of the court having jurisdiction of this case. 4) Promptly notify the court of any change of address or the phone number. 5) Other conditions: _____ <p>FILED IN OFFICE MAR 11 2018 USA ATTORNEY CIRCUIT CLERK CULLMAN COUNTY</p> <p>The provisions of the Release Order may be revoked or modified by the court for cause. The Release Order and any appearance bond executed in compliance with it will continue in force and effect until the dismissed, acquitted, or convicted on the charges, unless earlier revoked or modified by the court. Upon proof of violation of any of the above conditions, a warrant for your arrest will be issued.</p> <p><i>[Signature]</i></p> <p>3/11/2018</p> <p>Date _____</p> <p>I have read or have been advised of the written bonds set forth. I understand the explanation of procedures, rights, and information given to me at the initial court appearance. I understand the conditions of my release and the penalties applicable to the case that I violate any conditions imposed herein. I also understand that failure to appear as required may subject me to additional charges in the revocation of release.</p> <p>3/11/2018</p> <p>SKYPE</p> <p>Defendant _____</p>			

DC-18-278
DC-18-279

State of Alabama United Judicial System	ORDER ON INITIAL APPEARANCE	Case Number PC
Form C-88 Rev. 2/08		
IN THE _____ District	COURT OF _____	Cullman, ALABAMA (Name of County or Municipality)
<input checked="" type="checkbox"/> STATE OF ALABAMA <input type="checkbox"/> MUNICIPALITY OF _____		v. LEE ANN MATANANE Defendant
<p>The above-named defendant, charged with the criminal offense(s) of ATTEMPTED MURDER/BURGLARY 1ST & ASSAULT 3RD, was duly brought before the Court for initial appearance on 03/11/2018 at 11:15 o'clock A.M., whereupon the Court did the following, as checked in the appropriate blocks:</p> <p>(CHECK AS APPLICABLE)</p> <p><input checked="" type="checkbox"/> 1. Name and address of defendant. <input checked="" type="checkbox"/> (a) Ascertained the true name and address of the defendant to be: 8012 6 Rd 703 Cullman, AL 35055 disabled</p> <p><input type="checkbox"/> (b) Amended the formal charges to reflect defendant's true name. <input type="checkbox"/> (c) Instructed the defendant to notify the Court promptly of any change of address.</p> <p><input checked="" type="checkbox"/> 2. Informed the defendant of the charges against him/her and ensured that the defendant was served FILED IN OFFICE with the charges.</p> <p><input checked="" type="checkbox"/> 3. Informed the defendant of the right to be represented by counsel, that he/she would be afforded 4/1/2018 opportunity to retain an attorney, and further advised the defendant that, if he/she were indigent and unable to obtain counsel, an attorney would be appointed by the Court to represent him/her. Defendant <input checked="" type="checkbox"/> requested <input type="checkbox"/> did not request court-appointed counsel. If requested counsel, JON MCCARTHY CIRCUIT CLERK defendant <input type="checkbox"/> was <input checked="" type="checkbox"/> was not given a copy of the Affidavit of Substantial Hardship to complete in order ABAMAN COUNTY Indigency to be determined. By Jail Staff</p> <p><input checked="" type="checkbox"/> 4. Informed the defendant that he/she had the right to remain silent and that anything that he/she said could be used against him/her.</p> <p><input checked="" type="checkbox"/> 5. Bail <input type="checkbox"/> (a) Determined that the defendant shall not be released from custody since charged with a non-bailable capital offense. <input checked="" type="checkbox"/> (b) Determined that the defendant shall be released from custody pending further proceedings, subject to the mandatory conditions prescribed in Rule 7.3(a), Ala.R.Crim.P., and subject to the following additional conditions: 1.) Execution of an appearance bond (recognizance) in the amount of \$ 2.) Execution of a secured appearance bond in the amount of \$ 75,000 CASH Cond. 3.) Other conditions (specify) _____ can not make bond of bond</p> <p><input checked="" type="checkbox"/> 6. If charged with a felony offense, informed the defendant of right to demand a preliminary hearing under Rule 5.1, Ala.R.Crim.P., and of the procedure by which that right may be exercised.</p> <p><input checked="" type="checkbox"/> 7. If charged with a felony offense a preliminary hearing was demanded within 30 days of date of arrest by the above-named defendant, set a preliminary hearing to be held in the District Court of _____ on _____ (date) at _____ o'clock _____ m. <input type="checkbox"/> (a) Notified the District Court that such demand was made. <input checked="" type="checkbox"/> (b) Defendant made no demand for a preliminary hearing at the initial appearance hearings.</p> <p><input checked="" type="checkbox"/> 8. Other: _____</p>		
3/11/2018 Date: _____		

Lee Annane

wants to talk to an attorney

DC-18-278
DC-18-279

BAIL REQUEST

TO: Judge York JUDGE OF THE DISTRICT COURT, CULLMAN, COUNTY, ALABAMA

STATE OF ALABAMA VS. Lee Ann Matanane

CHARGE: Attempted Murder; Burglary 1st; Assault TITLE: 13A-4-2 (a) CODE OF ALABAMA

THE UNDERSIGNED OFFICER HEREBY REQUESTS THAT THE BOND/BAIL IN THIS CASE BE SET ABOVE THE RECOMMENDED DISCRETIONARY BAIL SCHEDULE. THE REASONS ARE SET FORTH AS FOLLOWS:

CIRCUMSTANCES OF THE DEFENDANTS AGE, BACKGROUND, AND/OR FAMILY:

Offender is 54 Yrs old going through a divorce and battles depression. She broke into her husbands new home and shot him

PRIOR CRIMINAL CONVICTIONS:

Offender was armed with a hand gun and shot her soon to be Ex-Husband and assaulted his new girlfriend with the gun to the head

DEFENDANT WAS ARMED WITH A WEAPON IN COMMISSION OF THE OFFENSE:

Offender was in possession of a handgun and shot her husband and assaulted another female with it

DEFENDANT HAS THREATENED VICTIM/WITNESS INVOLVED IN THIS OFFENSE:

Offender threatened to kill both of the victims and then kill herself

PROPERTY VALUE DURING THE COMMISSION OF THE OFFENSE:

RESIDENCE OF THE DEFENDANT: 8012 CR 703 Cullman, AL 35055

OTHER REASONS WHICH ARE DESCRIBED AS FOLLOWS: It is believed that if offender is out on a

property bond she will attempt to harm the victim again or herself. Offenders daughter stated she will try to kill herself if released

ON THE 10th DAY OF March 2018 AT 6:30 O'CLOCK p.m.
JUDGE Turner OF CULLMAN COUNTY, ALABAMA, WAS
CONTACTED TELEPHONICALLY OR IN PERSON. THE ABOVE MENTIONED FACTS
WERE PRESENTED TO HIM.

FILED IN OFFICE

MAR 10 2018

Corey Freeman
OFFICER
Cullman County Sheriff's Office
AGENCY

LISA RASHAWN
CIRCUIT CLERK
CULLMAN COUNTY

* Confirmed w/ Deputy Sims *

STATE OF ALABAMA

CULLMAN COUNTY

DISTRICT COURT

DEFENDANT: Lee Ann Matanane

CHARGE: Attempted Murder; Burglary 1st
Assault 2nd

MAGISTRATE'S AUTHORITY

Authority for Magistrate to set bail in an amount in excess of the maximum amount posted in the bail schedule, Rule 2(b), Rules of Judicial Administration, as required by Rule 18(2)(b), Rules of Judicial Administration, given by Judge Wells Turner II

telephone in person at 6:30 o'clock p.m. this 10 day of
March, 2018

AMOUNT AUTHORIZED: \$ 75,000⁰⁰ CASH

Lisa McSwain
MAGISTRATE, DISTRICT COURT

ORDER SETTING BAIL

The facts and information in the foregoing request for bail to be set in an amount in excess of the maximum amount posted in the bail schedule, Rule 2(b), Rules of Judicial Administration, having been presented to the Court by Law Enforcement Officer(s)/District Attorney and the court having considered same:

IT IS HEREBY CONSIDERED, ORDERED, ADJUDGED, AND DECREED THAT BAIL IN THIS CASE BE SET AT \$ _____.

FILED IN OFFICE

MAR 10 2018

LISA MCSWAIN
CIRCUIT CLERK
CULLMAN COUNTY
BAIL REQUEST PAGE 2

JUDGE OF THE DISTRICT COURT
CULLMAN COUNTY, ALABAMA

* Confirmed w/ Deputy Sims *

EX. D

Agency No. 10000246

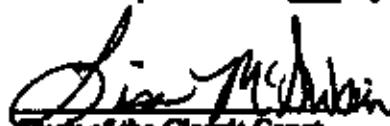
CMB No. 10-0323

DC No. 18-279

G.J. No. 1000-004

A TRUE BILL presented to the Judge presiding in open Court by the Foreperson of this Grand Jury, in the presence of at least 11 other jurors, and filed in open court this ____ day of May 2018.

John M.
Grand Jury Foreperson


Clerk of the Circuit Court
OF CULLMAN County
Thirty-Second Judicial Circuit

5/17/18
Date

FILED IN OFFICE
INDICTMENT
THE STATE OF ALABAMA

MAY 17 2018

vs.
LEE ANN MATANANE, F CAU 6/27/1963
Hair: BLN Eye: BLU Height: 5'6" Weight: 125 SID: ALA75427
Address: 3012 COUNTY ROAD 703 CULLMAN, AL 35053

Allen
Name Reported

CHARGES:

1. ATTEMPT TO COMMIT MURDER
2. BURGLARY FIRST DEGREE

CLASS: A TYPE: F
CLASS: A TYPE: F

No Prosecutor.

Previous Bond \$70,000 *as cash* *cash* this 18th day of May 2018.

No contact with alleged victim


Judge Presiding

THE STATE OF ALABAMA

CIRCUIT COURT

Prosecutor:

C. WILSON BLAYLOCK
DISTRICT ATTORNEY
THIRTY-SECOND JUDICIAL

CK 18-446

Agency No. 100300246

CMS No. 18-0523

DC No.

G.J. No. 1805-254

**THE STATE OF ALABAMA, CULLMAN COUNTY
Circuit Court – Thirty-Second Judicial Circuit**

COUNT 1

The Grand Jury of said county charge that, before the finding of this indictment, LEE ANN MATANANE, whose name is otherwise unknown to the Grand Jury, did on or about March 3, 2018, with the intent to commit the crime of Murder (Title 13A-6-2(a)(1) of the Code of Alabama) attempt to intentionally cause the death of another person, to-wit: BENITO MATANANE, by SHOOTING HIM, in violation of Title 13A-4-2 of the CODE OF ALABAMA,

COUNT 2

The Grand Jury of said county further charge that, before the finding of this indictment, LEE ANN MATANANE, whose name is otherwise unknown to the Grand Jury, did on or about March 3, 2018, knowingly and unlawfully enter or remain unlawfully in a dwelling of BENITO MATANANE, with intent to commit a crime therein to-wit: ATTEMPT TO COMMIT MURDER, and while effecting entry or while in the dwelling or in immediate flight therefrom, said defendant, LEE ANN MATANANE, or another participant, was armed with an explosive or deadly weapon, to-wit: A PISTOL, in violation of Title 13A-7-5(a)(1) of the CODE OF ALABAMA,

AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA.

**C. WILSON BLAYLOCK
District Attorney
Thirty-Second Judicial Circuit**

ACR375

ALABAMA JUDICIAL DATA CENTER
GRAND JURY OF CULLMAN COUNTY
WARRANT OF ARREST

GJ 2018 050054.00
TERM #: 05142018

TO ANY LAW ENFORCEMENT OFFICER OF THE STATE OF ALABAMA:
AN INDICTMENT HAS BEEN RETURNED BY THE GRAND JURY OF CULLMAN COUNTY
AGAINST MATANANE LEE ANN
6012 CO RD 703

CULLMAN AL 35055-0000

CHARGING THE OFFENSE OF:

ATTEMPT - MURDER 13A-004-002
BURGLARY 1ST DEGREE 13A-007-005

CNTS: 1
CNTS: 1

YOU ARE THEREFORE ORDERED TO ARREST THE PERSON NAMED ABOVE AND BRING THAT PERSON BEFORE A JUDGE OR MAGISTRATE OF THIS COURT TO ANSWER THE CHARGES AGAINST THAT PERSON AND HAVE WITH YOU THEN AND THERE THE WARRANT OF ARREST WITH YOUR RETURN THEREON. IF A JUDGE OR MAGISTRATE OF THIS COURT IS UNAVAILABLE, OR IF THE ARREST IS MADE IN ANOTHER COUNTY, YOU SHALL TAKE THE ACCUSED PERSON BEFORE THE NEAREST OR MOST ACCESSIBLE JUDGE OR MAGISTRATE IN THE COUNTY OF ARREST.

BOND SET AT: \$70,000.00

CASH

DATE ISSUED: 05/18/2018

BY _____

CLERK

EXECUTED THIS _____ DAY OF _____, BY _____
ARRESTING THE WITHIN NAMED DEFENDANT _____

LAW ENFORCEMENT OFFICER _____

BY: _____

DEFENDANT'S FEATURES:

HT: 5'03" HAIR: BLN DOB: 06/27/1963

WT: 125 SEX: F EYE: BLU RACE: W

No Contact with Victim

ADDTL COMMENTS:

Hagney 180301240

05/18/2018 ASW

ACR375

ALABAMA JUDICIAL DATA CENTER
GRAND JURY OF CULLMAN COUNTY
WARRANT OF ARREST

GJ 2018 050054.00
TERM #: 05142018

TO ANY LAW ENFORCEMENT OFFICER OF THE STATE OF ALABAMA:
AN INDICTMENT HAS BEEN RETURNED BY THE GRAND JURY OF CULLMAN COUNTY
AGAINST MATANANE LEE ANN
8012 CO RD 703
CULLMAN AL 35055-0000

CHARGING THE OFFENSE OF:

ATTEMPT - MURDER 13A-004-002
BURGLARY 1ST DEGREE 13A-007-005

CNTS: 1
CNTS: 1

YOU ARE THEREFORE ORDERED TO ARREST THE PERSON NAMED ABOVE AND BRING THAT PERSON BEFORE A JUDGE OR MAGISTRATE OF THIS COURT TO ANSWER THE CHARGES AGAINST THAT PERSON AND HAVE WITH YOU THEN AND THERE THE WARRANT OF ARREST WITH YOUR RETURN THEREON. IF A JUDGE OR MAGISTRATE OF THIS COURT IS UNAVAILABLE, OR IF THE ARREST IS MADE IN ANOTHER COUNTY, YOU SHALL TAKE THE ACCUSED PERSON BEFORE THE NEAREST OR MOST ACCESSIBLE JUDGE OR MAGISTRATE IN THE COUNTY OF ARREST.

BOND SET AT: \$70,000.00

CASH

DATE ISSUED: 05/18/2018

CLERK

BY _____

EXECUTED THIS 22 DAY OF M., 2018, BY
ARRESTING THE WITHIN NAMED DEFENDANT Lee Ann Matanane.

Def. Sec., H.S.
LAW ENFORCEMENT OFFICER

BY: Ma H. G. et..

No Contact with Victim

DEFENDANT'S FEATURES:

HT: 5'03" HAIR: BLN DOB: 06/27/1963

WT: 125 SEX: F EYE: BLU RACE: W

ADDTL COMMENTS:

Agency 180301240

05/18/2018 ASW

FILED IN OFFICE

MAY 23 2018

LISA McSWAIN
CIRCUIT CLERK
CULLMAN COUNTY

Ex. E

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

LEIGH ANN MATANANE,)
)
PLAINTIFF,)
)
VS.) CASE NO.:
)
)
SHERIFF MATT GENTRY,)
)
DEFENDANT.)

MOTION TO TRANSFER PETITION

COMES NOW the Petitioner, by and through his attorney of record, Thomas E. Drake, II; and, moves the Court as follows:

1. Movant requests that the above-entitled matter be transferred to Judge Madeline H. Haikala for those reasons which follow:
 - A. Judge Haikala recently superintended over the case of *Schultz et al v. State of Alabama, 5:17-cv-00270-MHH*) which resulted in an injunction against the Cullman County Sheriff and the judges in the 32nd Judicial Circuit of the State of Alabama (Cullman); and,
 - B. the aforementioned case involved the systematic, mass incarceration of indigent inmates in violation of amendment 8 (U.S.C.A) and the Equal Protection Clause of the fourteenth Amendment (U.S.C.A.);
 - C. *Judge Haikala may take judicial notice, to the exclusion of other judges in the Northern District, of the underlying facts of this case; and,*
 - D. the above-entitled cause may violate the intent and meaning set forth in Judge Haikala's previous Order.

RESPECTFULLY SUBMITTED,

/s/Thomas E. Drake, II

Thomas E. Drake II DRA 012

Attorney for Defendant

419 Second Avenue SW, Suite B

Cullman, AL 35056-0457

(256) 739-9445

CERTIFICATE OF SERVICE

I hereby certify that on this the 17th day of January, 2019, a copy of the foregoing was served on all counsel of record in this cause by one or more of the following in accordance with the Federal Rules of Civil Procedure:

District of Attorney
C. Wilson Blaylock
Cullman County Courthouse
500 2nd Avenue SW
Cullman, AL 35055

/s/Thomas E. Drake,
Thomas E. Drake, II